

REMARKS/ARGUMENTS

The Office Action mailed July 28, 2004 maintained the rejection of claims 1-25 under Section 102(b) as anticipated by Chishti et al.

The Section 102 Rejections

Claim 1 of the instant invention relates to a computer-implemented method for separating a tooth from adjacent structure by defining a cutting surface; and applying the cutting surface between the tooth and the structure to separate the tooth from the structure in a single cut.

The Final Office Action states that the “sequence of erasures” constitutes a single cut and recites that a “cut is comprised of multiple eraser boxes arranged next to each other.” Applicants respectfully traverse the rejection since there is no showing of separating the tooth from the structure in a single cut. Rather, the citations relied by the Final Office Action actually support Applicant’s position that Chishti shows multiple operations to cut teeth. Hence, Chishti fails to show separate the tooth from the structure in a single cut.

In Chishti et al., the cut is performed as a sequence of erasings. No where in Chishti et al. does the reference show the claimed specifics of separating the tooth from the structure in a single cut. Hence, Chishti et al. cannot anticipate the instant claims since at least this claim element is missing.

With respect to the dependent claims, they are not anticipated as claim 1 is not anticipated. Moreover, Chishti et al. does not show the claimed specifics of the dependent claims, it cannot anticipate the claims.

As an appendix to this response, attached are six sheets of formal drawings which correct typographical errors in Figs. 1C, Fig. 2, Figs. 4-5, Fig. 9 and Fig. 14. No new material has been added.

As a final matter, Applicants have filed an RCE in order to submit the accompanying Supplemental Information Disclosure Statement which includes references identified in on-going litigation of the assignee as being pertinent to the field of removable tooth aligners and computer-implemented methods for their fabrication.

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figs. 1C, Fig. 2, Figs. 4-5, Fig. 9 and Fig. 14. These six sheets, which includes. Figs. 1C, Fig. 2, Figs. 4-5, Figs. 9-10 and Fig. 14. replaces the original sheets including Figs. 1C, Fig. 2, Figs. 4-5, Figs. 9-10 and Fig. 14.

Attachment: Replacement Sheets
Annotated Sheets Showing Changes

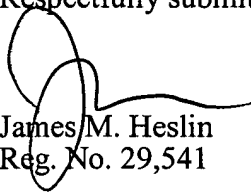
Appl. No. 10/087,153
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group dated October 21, 2004

PATENT

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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Attachments
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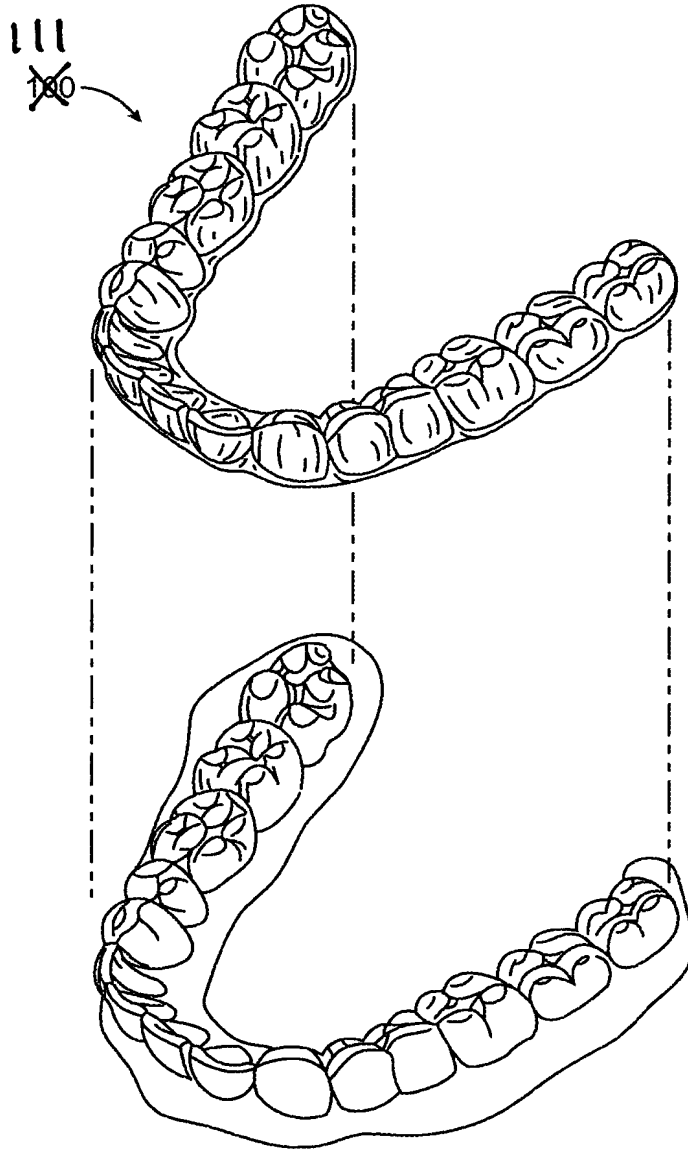


FIG. 1C



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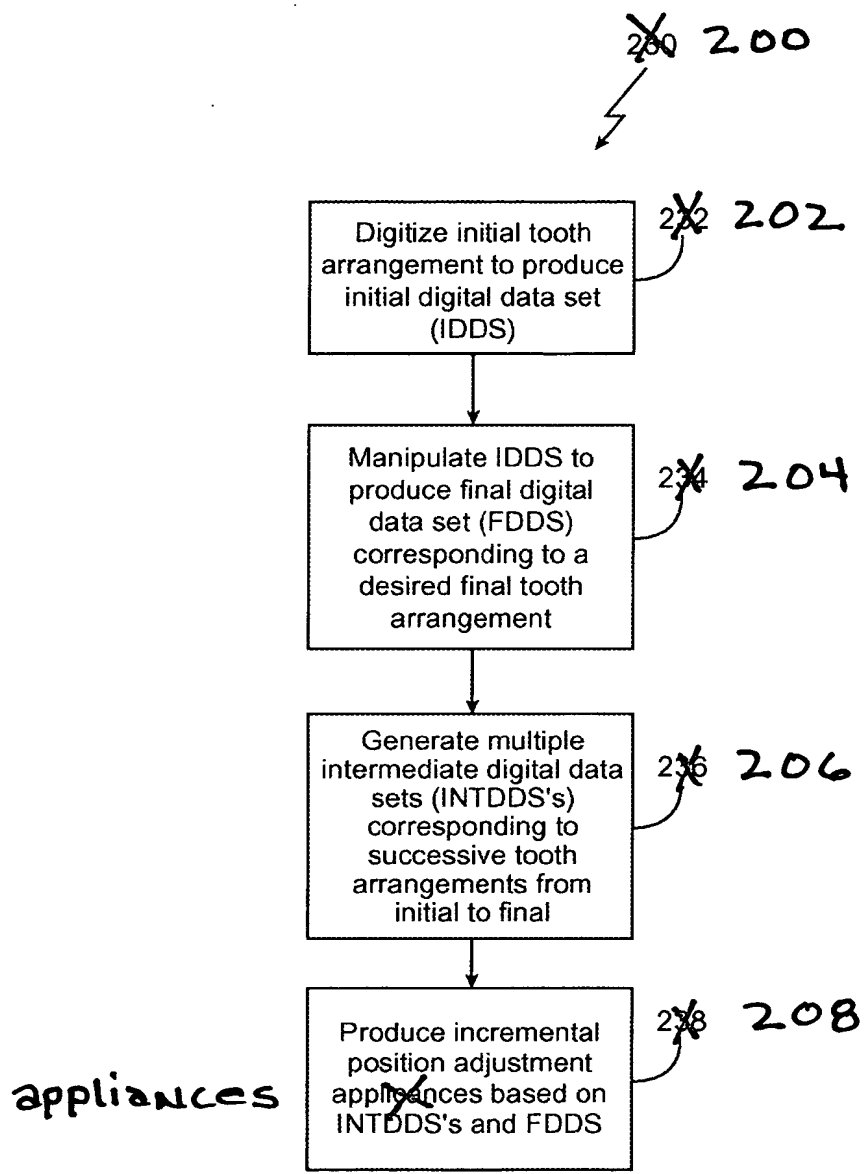


FIG. 2

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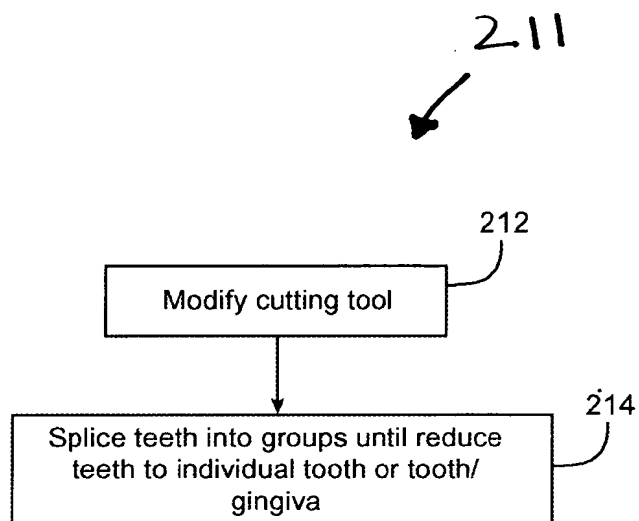


FIG. 4



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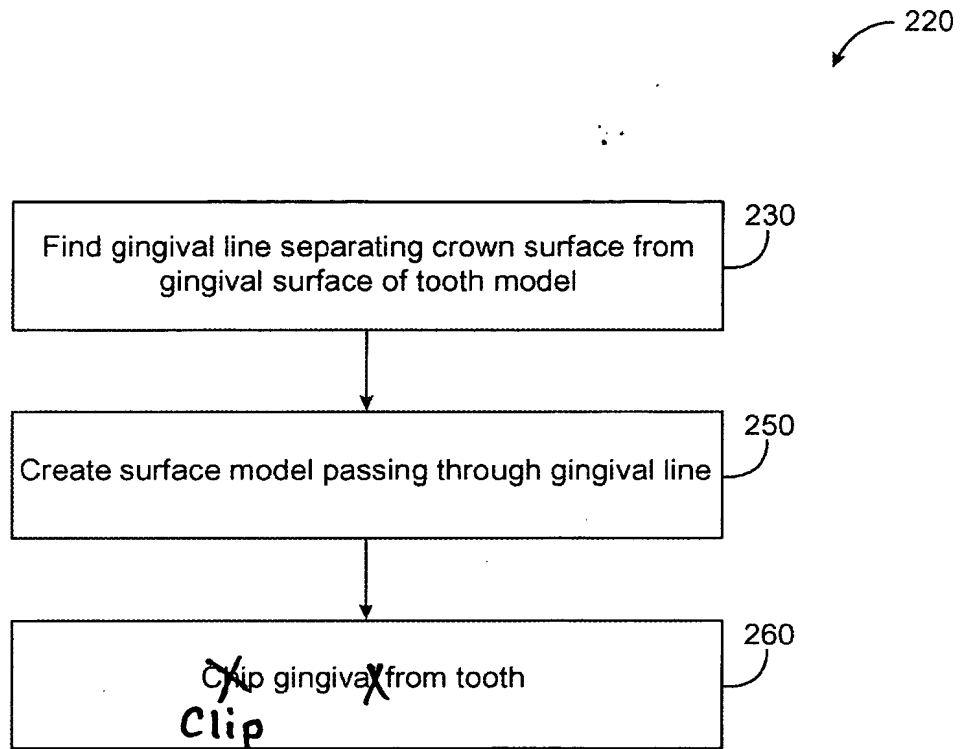


FIG. 5

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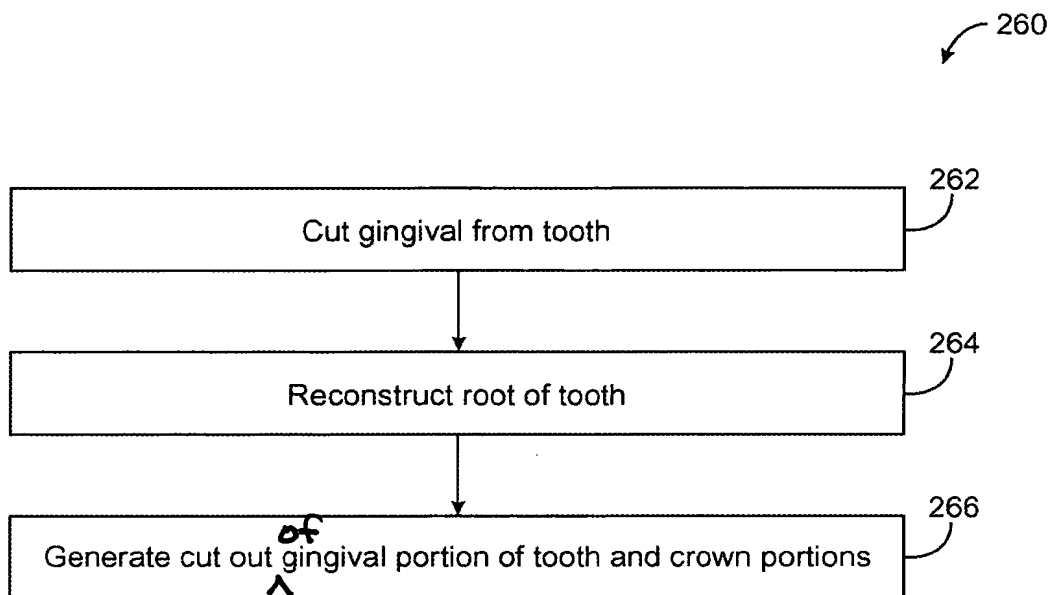


FIG. 9

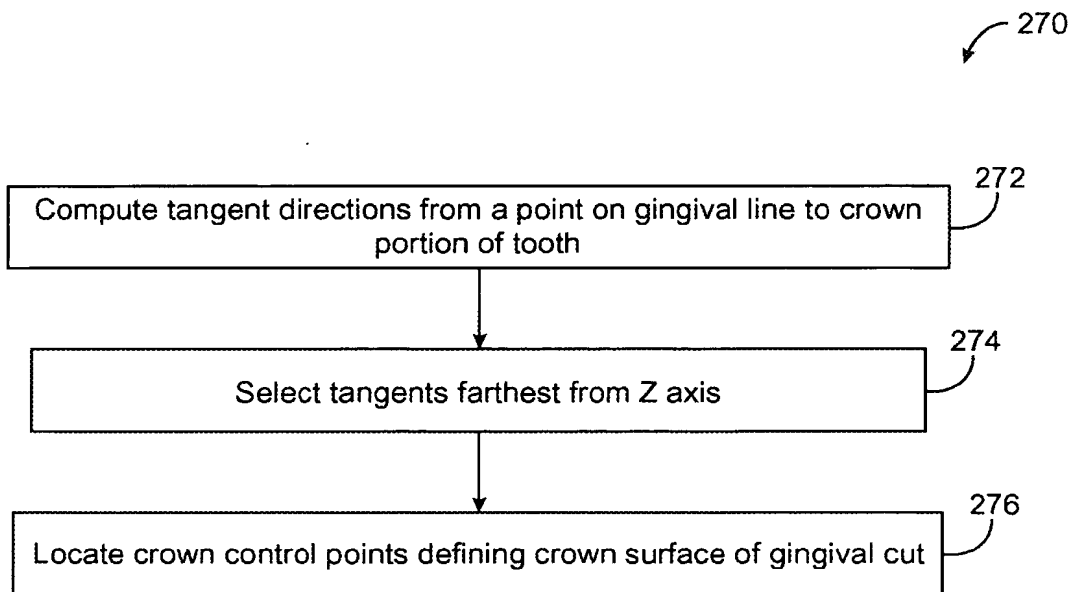


FIG. 10

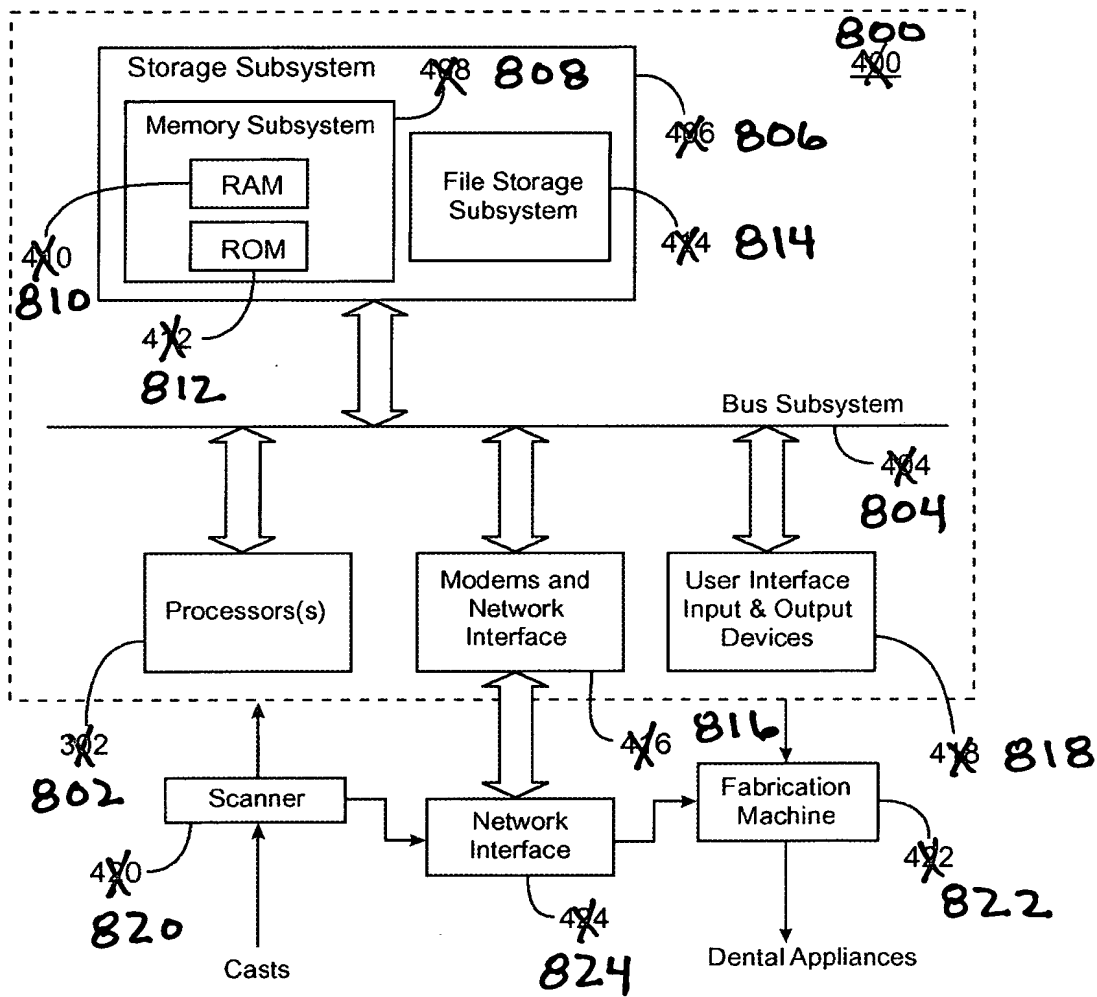


FIG. 14